

October 18, 2013

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
October 18, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 10:30 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Elizabeth Whitehorn and Roneta Taylor (by telephone), Illinois Department of Central Management Services; Brent Eggleston (by telephone), Illinois Department of Agriculture; Matt Glavin, Rick DiDomenico, and Susan Gold, Illinois Dept. of Financial and Professional Regulation; Dawn DeFraties (by telephone), Illinois Historic Preservation Agency; Beth Duesterhaus (by telephone), Kathy Barrow (by telephone), and Lisa Prose (by telephone), Administrative & Regulatory Shared Services Center; and Jamara Rogers.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD SEPTEMBER 20, 2013

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD SEPTEMBER 20, 2013. COMMISSIONER URLACHER ABSTAINED.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	139.....	16
Agriculture.....	366.....	16
Arts Council.....	16.....	2
Capitol Development Board.....	46.....	0
Central Management Services.....	1,459.....	114
Children and Family Services.....	2,717.....	51
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	368.....	69
Commerce Commission.....	73.....	0
Corrections.....	11,033.....	104
Criminal Justice Authority.....	56.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	85.....	5
Employment Security.....	1,438.....	30
Environmental Protection Agency.....	799.....	17
Financial & Professional Regulation.....	426.....	44
Gaming Board.....	143.....	6
Guardianship and Advocacy.....	103.....	7
Healthcare and Family Services.....	2,093.....	25
Historic Preservation Agency.....	186.....	14
Human Rights Commission.....	13.....	2
Human Rights Department.....	142.....	9
Human Services.....	11,241.....	77
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission.....	2.....	1
Insurance.....	220.....	16
Investment Board.....	3.....	2
Juvenile Justice.....	967.....	24
Labor.....	88.....	11
Labor Relations Board Educational.....	9.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.....	16.....	2
Lottery.....	142.....	7
Military Affairs.....	121.....	3
Natural Resources.....	1,113.....	30
Pollution Control Board.....	20.....	2
Prisoner Review Board.....	16.....	0
Property Tax Appeal Board.....	28.....	1
Public Health.....	1,069.....	41
Racing Board.....	2.....	1
Revenue.....	1,722.....	51
State Fire Marshal.....	133.....	12
State Police.....	1,096.....	7
State Police Merit Board.....	4.....	1
State Retirement Systems.....	103.....	2
Transportation.....	2,193.....	0
Veterans' Affairs.....	1,291.....	9
Workers' Compensation Commission.....	130.....	10
TOTALS.....	43,468.....	854

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following regarding the proposed 4d(3) exempt requests designated as items C through F:

- As to Item C, this request is for a Chief Information Technology Officer at the Department of Central Management Services (CMS), a position that reports to the Director. This position will perform Chief Information Officer responsibilities for the agency, functions that traditionally have supported exemption. The only difference here is that the agency is already home to the Bureau of Communication and Computer Services (BCCS). BCCS essentially functions as the statewide agency for providing centralized computing services to all state agencies. This includes interacting with other constitutional officers, the General Assembly, law enforcement agencies, the federal government, and other units of local government. Considering the size, scope and importance of its mission, the Commission has previously approved 16 principal policy exempt positions dedicated to BCCS. It must be noted that the Deputy Director of BCCS reports to the Assistant Director of CMS who reports to the Director. So the agency whose largest subdivision, BCCS with over 500 employees, dedicated to information services is seeking an additional exempt position to interact with a subdivision under its control.

The Commission has historically approved agency Chief Information Officer positions. The unusual part of this request is that the agency already has 16 exempt positions devoted to information technology. Staff sought information as to why BCCS would be unable to perform this function for CMS. The agency responded and indicated that it was seeking a position that reported to the Director – as other agencies have – and could not be redirected to other concerns. For example, since BCCS has much broader information technology positions, CMS had a concern that any BCCS position assigned to CMS would get reassigned to non-CMS projects that BCCS makes a priority. That is a valid concern, but there still remains the issue, since the Director of CMS has ultimate authority over BCCS, why the Director cannot simply direct that not to occur. There were several other Staff concerns, most related to how BCCS would interact with this position, that have yet to be addressed.

This past winter, the Commission's Chairman expressed concern over the number of principal policy exempt positions that were technology based. Given the lack of requested information at this time, Staff recommended denial of this request or, in the alternative, another continuance.

The latest records from CMS indicate it has 20 vacant exempt positions, four in BCCS.

Elizabeth Whitehorn advised the Commission that the agency was seeking another continuance of this request. Commissioner Krey voiced her concerns that the agency was not responding to Staff requests for information in a timely manner. Elizabeth Whitehorn indicated that this may have been due to the appointment of a new Director. Chairman FitzGerald inquired as to the new appointment and Elizabeth

Whitehorn indicated that Simone McNeil had recently been appointed as the new Acting Director of Central Management Services.

- As to Item D, this request is for a Policy Advisor at the Illinois Historic Preservation Agency, a position that reports to the Director. This position has principal policy responsibility for the Divisions of Public Affairs and Communications which include matters such as public affairs and community outreach using a variety of non-media methods.

While such functions have historically supported a principal policy exempt position, there appeared to be some overlap with the agency's Marketing position because it includes a "Community Relations" component that, as described, may overlap with this Policy Advisor position. Staff asked the agency to clarify the difference between this Policy Advisor position's responsibilities and the Community Relations component of the Marketing position. The agency indicated while the Policy Advisor is focused on overall public outreach for the agency's programs, the Marketing position is focused on marketing the agency's facilities more to public and private organization more akin to a sales position. The agency indicated that it is going to clarify the position description of the Marketing position by removing any Community Relations component so this distinction is made clear. Subject to that clarification, Staff recommended approval of this request.

The agency indicated that the Illinois Historic Preservation Agency has three vacant exempt positions.

Dawn DeFraties, Human Resources Director for Illinois Historic Preservation Agency, advised the Commission that just this morning she had forwarded a clarified position description form as indicated above to Central Management Services. Roneta Taylor, Central Management Services-Technical Services, acknowledged receipt of the clarification.

- As to Items E and F, these two requests are related to the passage of the Compassionate Use of Medical Cannabis Pilot Program Act (PA 98-0122). Item E is for the Bureau Chief for the Bureau of Medicinal Plants in the Department of Agriculture, a position that reports to the Chief of Staff who reports to the Director. Item F is for the Medical Cannabis Deputy Director in the Department of Financial and Professional Regulation (DFPR), a position that reports to the Director of Professional Regulation who reports to the Secretary.

This Act establishes a three-way system of regulation with different regulatory functions being assigned to different agencies. The Department of Public Health is responsible for establishing a confidential registry of patients authorized to use cannabis and their caregivers. Agriculture is responsible for registration and oversight of cultivation centers – the agency estimates there will be 22 such locations. Financial and Professional Regulation is responsible for registration and oversight of dispensing organizations – the agency estimates there will be 60 such facilities. The two positions before the Commission would be principally responsible for carrying out the latter two

agencies' programmatic responsibilities under this Act. Typically, a program like this would only have one position qualify for a principal policy exemption. However, the legislature elected to split the program's administrative responsibilities among three different agencies which would justify an exempt position for each agency. For that reason, Staff recommended approval of these requests but only until January 1, 2018 which is when the Act expires by its terms. Commissioner Krey inquired if other agencies were going to request exemptions as a result of the Act. Executive Director Stralka indicated that Department of Public Health may do so.

The latest records from Central Management Services indicate that Agriculture has zero vacant exempt positions while Financial and Professional Regulations has four.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

C: Chief Information Technology Officer (CMS)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

D: Policy Advisor (HPA)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION THROUGH THE PERIOD ENDING JANUARY 1, 2018 FOR THE FOLLOWING POSITIONS:

E: Bureau Chief, Bureau of Medicinal Plants (DOA)

F: Medicinal Cannabis Deputy Director (FPR)

The following 4d(3) exemption request was continued on October 18, 2013:

C. Illinois Department of Central Management Services

Position Number	40070-37-00-000-40-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Chief Information Technology Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

The following 4d(3) exemption request was granted on October 18, 2013:

D. Illinois Historic Preservation Agency

Position Number	40070-48-40-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Policy Advisor
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

The following 4d(3) exemption requests were granted for a period ending January 1, 2018 on October 18, 2013:

E. Illinois Department of Agriculture

Position Number	40070-11-07-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Bureau Chief, Bureau of Medicinal Plants
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

F. Illinois Dept. of Financial & Professional Regulation

Position Number	40070-13-40-800-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Medical Cannabis Deputy Director
Incumbent	Vacant
Supervisor	Director who reports to the Secretary
Location	Cook County

VI. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:10 a.m.

PRESENT

Chairman Garrett P. FitzGerald; James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; and Jamara Rogers.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored.

Agency	8/31/13	9/30/13	9/30/12
Aging	2	1	2
Agriculture	2	3	1
Arts Council	1	0	1
Central Management Services	2	0	1
Children and Family Services	12	2	6
Healthcare and Family Services	19	2	7
Historic Preservation Agency	11	11	15
Human Services	1	0	3
Natural Resources	0	10	11
Property Tax Appeal Board	3	0	0
Public Health	2	0	0
Revenue	5	3	1
State Police Merit Board	1	0	0
Transportation	0	0	13
Veterans' Affairs	5	0	1
Totals	66	32	62

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-23-13

Employee	Jamara M. Rogers	Appeal Date	12/31/12
Agency	Children & Family Svcs.	Decision Date	10/07/13
Appeal Type	Discharge	Proposal for Decision	Charges are partially proven and warrant a 90-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PARTIALLY PROVEN AND WARRANT A 90-DAY SUSPENSION PLUS THE DURATION OF HER SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED OCTOBER 7, 2013.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

DA-47-13

Employee	Scott Grosboll	Appeal Date	06/05/13
Agency	Healthcare & Family Services	Decision Date	10/04/13
Appeal Type	Discharge	Proposal for Decision	Charges not proven; employee to be reinstated.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE NOT BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE SO THE DISCHARGE IS SET ASIDE IN WHOLE AND SCOTT GROSBOLL IS TO BE REINSTATED TO HIS POSITION OF OFFICE SPECIALIST WITH THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

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XI. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

RV-43-13

Employee	Shawn Wilcockson	Appeal Date	5/30/13
Agency	Natural Resources	Decision Date	9/26/13
Appeal Type	Rule Violation	Proposal for Decision	Dismissed subject to approval of the Commission; withdrawn.
ALJ	Daniel Stralka		

S-46-13

Employee	Robert W. Crowder	Appeal Date	6/04/13
Agency	Veterans' Affairs	Decision Date	9/25/13
Appeal Type	Suspension	Proposal for Decision	Dismissed subject to approval of the Commission; withdrawn.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGES' PROPOSALS FOR DECISION TO DISMISS THE WILCOCKSON AND CROWDER APPEALS BECAUSE THEY WERE WITHDRAWN.

FITZGERALD	YES	ANDERSON	YES
CUMMINGS	YES	KREY	YES
URLACHER	YES		

XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Casey Urlacher has been appointed as Commissioner effective October 11, 2013.
- Staff has received its first budget correspondence from the Governor's Office for fiscal year 2015 which requested a flat submission. Initial indications are the Commission should be able to comply with this request.
- Public Accountability Report statistics for fiscal year 2014 were submitted to the Treasurer on October 11, 2013.
- The agency implemented its first Identity Protection Policy effective October 15, 2013.
- The Commissioners were reminded that annual Ethics Training Acknowledgements of Participation are due by the end of the year and by November 8 for Commissioner Urlacher.

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- It was pointed out that Staff will have a number of proposed rescissions of principal policy exempt positions on the November agenda.
- H.B. 3697 was filed on October 11, 2013 which would effectively eliminate compensation for members of the Commission as well as 15 other boards and commissions. Assistant Executive Director Barris explained the particulars of the bill to the Commissioners. After discussion, it was the consensus of the Commissioners to oppose the Bill.
- While the State and University Employees Combined Appeal campaign ends on November 1, contributions will be accepted through the month of November.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, November 15, 2013 at 1:00 p.m. in the Commission's Springfield office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:20 A.M.